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SUBJECT: FARHAD ALIYEV TRIAL UPDATE

REF: BAKU 000948

Classified By: A/DCM Jonathan Henick for reasons 1.4 (b) and (d).

¶1. (SBU) The trial of former Minister of Economic Development Farhad Aliyev and 18 co-defendants on charges of corruption and embezzlement continues to progress slowly in the Court of Grave Crimes in Baku. Per reftel, the trial began on May 15 and the proceedings have now lasted more than 60 days. This trial is focusing on the major corruption allegations against Aliyev. First, that he was illegally involved in the purchase of privatization vouchers from Azerbaijani citizens. Second, that Farhad Aliyev used his position to gain a controlling share for himself or his cronies in a number of private companies. The GOAJ has not commented on the timing or modalities of a second trial on coup-plotting charges.

¶2. (SBU) The prosecution's parade of witnesses to the dais in support of its case continues. Much of the testimony appears to be indirect, unsubstantiated or perhaps even given under pressure. For example, on August 9, one witness testified that she was forced to delete computer files relating to a privatization project on which Farhad Aliyev worked, but did not know the name of the person that allegedly forced her to do so. Head of the Committee to Defend Farhad Aliyev's Rights - and Member of Parliament - Jamil Hasanli told Poloff that during some trial sessions, employees' supervisors were present in the courtroom during their testimonies, which Hasanli believes was intended to pressure the employees into saying "the right thing." In another example, on August 8, one witness appeared to be finished testifying several times; each time the judge asked "what else can you say?"

¶3. (U) Aliyev's defense team raised a number of due process issues during the August 9 court session. Local press reported that lead defense attorney Elton Guliyev submitted several appeals to the court protesting what Guliyev believes to be violation of Azerbaijan's due process laws. The appeals demanded that the defense team be given two days a week to organize and prepare the ex-minister's legal defense; that the defense team be notified two days in advance of the testimonies of upcoming witnesses; and that the defense team be allowed to make copies of court documents to make arguments of protest on Azerbaijan's implementation of due process regulations. In addition, Aliyev's defense team submitted an appeal demanding that Farhad Aliyev be allowed to sit with them in court and that Aliyev's personal lawyer be allowed to visit Aliyev in prison. (NOTE: Aliyev and the other defendants currently sit inside a locked cell in the courtroom. Guliyev has consistently argued to USG interlocuters that all of these items constitute a violation

of Aliyev's human rights. END NOTE)

¶4. (SBU) Elton Guliyev believes that the GOAJ may move to conclude the testimony portion of the trial within the next 10 to 15 days. According to local legal staff, following the testimony phase, all interested parties will have the opportunity to present oral arguments, oral rebuttals of each others' oral arguments. Once the oral arguments are concluded, the accused will make a final statement, and then the prosecution and the defendant will submit a draft final decision to the court which the judges will use as the basis for a final decision.

¶5. (C) Separately, on August 2, Head of Azerbaijan's Committee Against Torture Elchin Behbudov told Poloff that he had recently visited Aliyev in detention. According to Behbudov, Aliyev is "feeling a bit better." He did note, however, that Aliyev may be under some pressure during their meetings because prison officials linger nearby to "record their conversation."

¶6. (C) Comment: Aside from our short conversation with Guliyev, very little has changed over the past several weeks. The trial continues to progress slowly. Press coverage of the trial has been sparse in recent days and the prosecution seems to be content with shepherding witnesses in to court to testify against Farhad Aliyev regardless of the strength of their claims. We will continue to monitor the trial.  
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